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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10
11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 MICHAEL GERALD HAMMOND,
15 Defendant.

Case No. 2:18-cr-00059-KJD-DJA

**STIPULATION TO AMEND
SENTENCE AND DELAY
IMPOSITION OF SENTENCE**

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17 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M.
18 Frierson, United States Attorney, and Justin Washburne, Assistant United States
19 Attorney, counsel for the United States of America, and Rene L. Valladares,
20 Federal Public Defender, and Joy Chen, Assistant Federal Public Defender,
21 counsel for Michael Gerald Hammond, that the Court's sentence in Mr.
22 Hammond's supervised release matter be amended and that imposition of the
23 amended sentence be held in abeyance until June 12, 2024.

24 This Stipulation is entered into for the following reasons:

25 1. On April 10, 2024, Mr. Hammond appeared before this Court and
26 admitted to violating the terms of his supervised release. The parties jointly

1 recommended that the Court revoke Mr. Hammond's supervised release and
2 impose a sentence of 12 months and 1 day, with no supervision to follow. The Court
3 accepted the parties' recommendation and imposed sentence in accordance with
4 the parties' recommendation.

5 2. Mr. Hammond has pleaded guilty in *United States v. Hammond*, 2:24-
6 cr-00017-GMN-BNW. The allegations in the supervised release matter before this
7 Court are related to the conviction in that matter. Mr. Hammond is set for
8 sentencing in the matter before Judge Navarro on June 11, 2024.

9 3. The sentence imposed in this matter on April 10, 2024, is part of a
10 global resolution of the two cases. At sentencing in June on the new case before the
11 Honorable Judge Navarro, the parties will jointly recommend that Judge Navarro
12 impose a sentence of 21 months in custody, to run fully concurrent to the sentence
13 that this Court imposed on April 10, 2024.

14 4. The intent of the parties' agreement is for Mr. Hammond to serve a
15 total of 21 months in custody, to run from the day he was taken into federal custody
16 on this Court's supervised release matter, which was June 8, 2023.

17 5. The parties recently conferred with counsel from the Bureau of
18 Prisons (BOP) regarding sentence computation in Mr. Hammond's two cases. BOP
19 counsel informed the parties that Mr. Hammond has 250 days of "banked time"
20 within the BOP, as a result of overserving on a prior sentence. Because of this
21 "banked time," Mr. Hammond's revocation sentence imposed by this Court on April
22 10, 2024, will have been fully discharged as of October or November of 2023. *See*
23 Ex. A (email from BOP counsel). As such, it will not be possible for the BOP to run
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1 the sentence on the new case before Judge Navarro “fully concurrent” to this
2 Court’s sentence. *Id.*

3 6. BOP counsel further advised the parties that if the parties wish for
4 the two sentences to run “fully concurrent” to each other, such that Mr. Hammond
5 will receive full prior custody credit beginning from June 8, 2023, this Court must
6 delay imposition of its sentence and judgment until a date and time after sentence
7 is imposed in the new case before Judge Navarro. Furthermore, this Court must
8 amend its sentence to reflect that it is to run “fully concurrent” to the sentence in
9 that matter.

10 7. In order to properly and fully effectuate the spirit of the parties’
11 agreement and the global resolution of these two matters, the parties respectfully
12 request that the Court take the following actions:

- 13 a. Revoke its prior sentence imposed on April 10, 2024, and amend its
14 judgment to 12 months and 1 day in custody, with no supervision to
15 follow, to run fully concurrent to the sentence imposed in *United*
16 *States v. Hammond*, 2:24-cr-00017-GMN-BNW.
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18 b. Delay imposition of the amended sentence and judgment until June
19 12, 2024 (the day after sentencing in the indicted matter).

20 8. The defendant is in custody and agrees with the above requests.

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DATED this 12th day of April, 2024.

RENE L. VALLADARES
Federal Public Defender

JASON M. FRIERSON
United States Attorney

By /s/ Joy Chen

JOY CHEN
Assistant Federal Public Defender

By /s/ Justin Washburne

JUSTIN WASHBURN
Assistant United States Attorney

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,
Plaintiff,
v.
MICHAEL GERALD HAMMOND,
Defendant.

Case No. 2:18-cr-00059-KJD-DJA
ORDER

IT IS THEREFORE ORDERED that the Court's prior sentence, imposed on April 10, 2024, is hereby revoked and amended to a sentence of 12 months and 1 day in custody, with no supervision to follow, to run fully concurrent to the sentence imposed in *United States v. Hammond*, 2:24-cr-00017-GMN-BNW.

IT IS FURTHER ORDERED that imposition of the amended sentence is held in abeyance until June 12, 2024.

DATED this 15 day of April, 2024.



UNITED STATES DISTRICT JUDGE